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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,800	01/27/2004	Shiv Kumar Gupta	14964US01	2483

7590 02/01/2008  
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EXAMINER
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LEE, JOHN W

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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02/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/765,800	<b>Applicant(s)</b> GUPTA ET AL.	
	<b>Examiner</b> John Wahnkyo Lee	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 23 November 2007.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-10 is/are pending in the application.  
    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-10 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. The response received on 23 November 2007 has been placed in the file and was considered by the examiner. An action on the merits follows.

### *Response to Arguments*

2. Applicant's arguments filed on 12 November 2007 have been fully considered but they are not persuasive.

Regarding claim 1, examiner disagrees with the applicant that the combination of Tskagoshi in view of Botsfort does not teach or suggest the claim limitations recited in claim 1. To clarify the reasoning without new ground rejection, claim 1 can be rejected as follows.

Tskagoshi discloses a transport stream feeder (abstract, "a system and method for timeshifting the encoding and decoding of a compressed audio/video bitstream"; Figs. 1a-180 and 1b-100; paragraph [0028]) for verifying a video decoder (Figs. 1b-145, "video decoder" and 1b-170; paragraph [0029]), said transport stream feeder (abstract, "a system and method for timeshifting the encoding and decoding of a compressed audio/video bitstream"; Fig. 1b; paragraph [0028]) comprising: a digital input/output card (Figs 1b-100, 1b-110, "signal input" and 1b-150, "video & audio output"; paragraph [0028]) said digital input/output card (Figs 1b-100, 1b-110, "signal input" and 1b-150, "video & audio output"; paragraph [0028]) comprising: a processor (Fig. 1b-130, "system

control"; paragraph [0028]) for encoding the reference video (Fig 1b-115; paragraph [0029], "video encoder"); and the decoded reference video being decoded by the video decoder (Figs. 1b-145, "video decoder" and 1b-170; paragraph [0029]). However, rest of the claim limitations are not disclosed by Tskagohsi. Instead of Taskagoshi, Bostfort discloses rest of the claim limitations. Bostford discloses a first memory (Fig. 1-5, "picture buffer") for storing a reference video (col. 3, lines 41-51, "video signal ...") and a second memory (Fig. 1-16, 17, 18, and 19, "buffer") for storing a decoded reference video (col. 5, lines 10-16; col. 10, lines 28-31).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Botsford's invention in Tsukagoshi's invention to provide a system that reduces hardware and interconnection complexity as suggested by Botsford (col. 1, lines 61-63).

Regarding claim 6, claim 6 is analogous and corresponds to claim 1. Claim 6 will be rejected as the same reason of claim.

Therefore, the rejection of claims 1 and 6 will not be withdrawn. Accordingly, the rejection of claims 2-5 and 7-10 will not be withdrawn for being dependent of claims 1 and 6, respectively, and the grounds of rejection based on the examiner's first office action.

3. To make the office action clear, the rejection of the claim will be present below based on the discussion above and the first office action.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukagoshi et al. (US 2003/0002578) in view of Botsford, III et al. (US 5,646,687).

Regarding claim 1, Tskagoshi discloses a transport stream feeder (abstract, "a system and method for timeshifting the encoding and decoding of a compressed audio/video bitstream"; Figs. 1a-180 and 1b-100; paragraph [0028]) for verifying a video decoder (Figs. 1b-145, "video decoder" and 1b-170; paragraph [0029]), said transport stream feeder (abstract, "a system and method for timeshifting the encoding and decoding of a compressed audio/video bitstream"; Fig. 1b; paragraph [0028]) comprising: a digital input/output card (Figs 1b-100, 1b-110, "signal input" and 1b-150, "video & audio output"; paragraph [0028]) said digital input/output card (Figs 1b-100, 1b-110, "signal input" and 1b-150, "video & audio output"; paragraph [0028]) comprising: a processor (Fig. 1b-130, "system control"; paragraph [0028]) for encoding the reference video (Fig 1b-115; paragraph [0029], "video encoder"); and the decoded reference video being decoded by the video decoder (Figs. 1b-145, "video decoder" and 1b-170; paragraph [0029]). However, rest of the claim limitations are not disclosed by Tskagohsi. Instead of Taskagoshi, Bostfort discloses rest of the claim limitations.

Bostford discloses a first memory (Fig. 1-5, "picture buffer") for storing a reference video (col. 3, lines 41-51, "video signal ...") and a second memory (Fig. 1-16, 17, 18, and 19, "buffer") for storing a decoded reference video (col. 5, lines 10-16; col. 10, lines 28-31).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Bostford's invention in Tsukagoshi's invention to provide a system that reduces hardware and interconnection complexity as suggested by Bostford (col. 1, lines 61-63).

Regarding claim 2, Tsukagoshi further discloses a transmission medium (Fig. 1b-160) that encoded signals are transferred to a decoder system (paragraph [0028]).

Regarding claim 3, Tsukagoshi further discloses a De-Multiplexer (Fig. 4-135) that is connected to the video decoder (paragraph [0035]).

Regarding claim 4, Tsukagoshi further discloses a computer readable medium comprising instructions, which when executed on a processor, perform a method for timeshifting the encoding and decoding of a bitstream, the system comprising: means for encoding a compressed domain bitstream; means for storing the encoded bitstream; means for retrieving the encoded bitstream after a period of time; and means for decoding the retrieved bitstream (claim 24). Moreover, Tsukagoshi discloses a CPU (Fig. 1a-184) that is connected with a data storage unit (Fig. 1a-190) and a nonvolatile memory (Fig. 1a-188) for storing static information and instructions for CPU (paragraph [0024]).

Regarding claim 5, Tskagoshi further discloses that the system of Tskagoshi using a variety of different coding schemes and formats such as MPEG-1 and MPEG-4 (paragraph [0052]).

Regarding claim 6, claim 6 is analogous and corresponds to claim 1. Claim 6 will be rejected as the same reason of claim.

Regarding claim 7, Tskagoshi further discloses a transmission medium (Fig. 1b-160) that encoded signals are transferred to a decoder system (paragraph [0028]).

Regarding claim 8, Tskagoshi further discloses a De-Multiplexer (Fig. 4-135) that is connected to the video decoder (paragraph [0035]).

Regarding claim 9, Tskagoshi further discloses a computer readable medium comprising instructions, which when executed on a processor, perform a method for timeshifting the encoding and decoding of a bitstream, the system comprising: means for encoding a compressed domain bitstream; means for storing the encoded bitstream; means for retrieving the encoded bitstream after a period of time; and means for decoding the retrieved bitstream (claim 24). Moreover, Taskagoshi discloses a CPU (Fig. 1a-184) that is connected with a data storage unit (Fig. 1a-190) and a nonvolatile memory (Fig. 1a-188) for storing static information and instructions for CPU (paragraph [0024]).

Regarding claim 10, Tskagoshi further discloses that the system of Tskagoshi using a variety of different coding schemes and formats such as MPEG-1 and MPEG-4 (paragraph [0052]).

### **Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Wahnkyo Lee whose telephone number is (571) 272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For



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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**John W. Lee**  
(AU 2624)



JOHN W. LEE  
SUPERVISORY PATENT EXAMINER